

OPEN MEETING ITEM

COMMISSIONERS
BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



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ARIZONA CORPORATION COMMISSION

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DATE: JULY 29, 2014
DOCKET NO.: T-04256A-14-0184

AZ CORP COMMISSION
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TO ALL PARTIES:

ORIGINAL

Enclosed please find the recommendation of Administrative Law Judge Sasha Paternoster. The recommendation has been filed in the form of an Order on:

FSH COMMUNICATIONS, LLC
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

AUGUST 7, 2014

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

AUGUST 12, 2014 and AUGUST 13, 2014

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

JUL 29 2014

DOCKETED BY

JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP – Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF
9 FSH COMMUNICATIONS, LLC FOR
10 APPROVAL TO CANCEL ITS CERTIFICATE
11 OF CONVENIENCE AND NECESSITY FOR
12 CUSTOMER OWNED PAY TELEPHONE
13 SERVICES.

DOCKET NO. T-04256A-14-0184

DECISION NO. _____

ORDER

14 Open Meeting
15 August 12 and 13, 2014
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 * * * * *

21 **FINDINGS OF FACT**

22 1. On September 7, 2004, the Commission issued Decision No. 67235 granting FSH
23 Communications, LLC ("FSH" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") to
24 provide customer-owned pay telephone ("COPT") service within the State of Arizona.

25 2. On June 10, 2014, FSH filed an application with the Commission requesting approval to
26 cancel its CC&N to provide COPT services in Arizona. The application indicated FSH no longer
27 provides, or never did provide, COPT services in the State of Arizona. The application also stated
28 that FSH waived its right to notice and a hearing in order to cancel the CC&N.

1 3. On July 22, 2014, the Commission's Utilities Division ("Staff") filed a Memorandum
2 in response to FSH's application to cancel its CC&N. In the Memorandum, Staff states Mr. Michael
3 Johnson indicated he was authorized to file the application on behalf of the Applicant. Further, Staff
4 states that the Commission's Consumer Services Section reported that no complaints, inquires, or

1 opinions have been filed against FSH since January 1, 2011. According to Staff, the Applicant is in
2 good standing with the Commission's Corporations Division and the Commission's Compliance
3 Section reports that the Applicant is in compliance.

4 4. Staff recommends approval of FSH's application to cancel its CC&N.

5 5. Staff's recommendation to approve FSH's application for cancellation of its CC&N is
6 reasonable and should be adopted.

7 **CONCLUSIONS OF LAW**

8 1. FSH is a public service corporation within the meaning of Article XV of the Arizona
9 Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over FSH and the subject matter of the application.

11 3. The cancellation of FSH's CC&N to provide COPT services in Arizona is in the
12 public interest.

13 4. FSH waives its right to notice and a hearing in this matter.

14 5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of FSH Communications, LLC for the cancellation of its Certificate of Convenience and Necessity to provide customer-owned pay telephone service in Arizona shall be, and is hereby, approved, and the Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI A. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2014.

JODI A. JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SP:tv

1 SERVICE LIST FOR: FSH COMMUNICATIONS, LLC

2 DOCKET NO.: T-04256A-14-0184

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